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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/325, 951 06/04/99 CHIANG

M TSMC98-262

MM91/1002

EXAMINER

GEORGE SAILE
20 MCINTOSH DRIVE
POUGHKEEPSIE NY 12603

POMPEY, R

ART UNIT

PAPER NUMBER

2812

DATE MAILED:

10/02/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Offic Action Summary	Application No.	Applicant(s)
	09/325,951	CHIANG ET AL.
	Examiner Ron E Pompey	Art Unit 2812

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 September 2001 .

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,3-6 and 8-10 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,3-6 and 8-10 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____ .

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . 6) Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a "first high temperature oxidation step above 1100 degrees centigrade . . . , which serves to prevent the out-diffusion of nitrogen species from the patterned silicon nitride layer 34. Thereafter the continued thermal oxidation . . . at a lower temperature to assure no further likelihood of silicon nitride inclusion formation." (Page 9 of specification), does not reasonably provide enablement for "a first oxidation temperature of at least above 1100 degrees centigrade . . . to prevent out-diffusion of nitrogen species and minimize formation of silicon oxynitride inclusions within the silicon oxide layers" (claim 1 and 6). The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. The specification says to minimize the formation of silicon oxynitride inclusions within the silicon oxide layers a lower temperature (meaning lower than 1100°C) is needed. But the claim language is written as though a temperature higher than 1100°C is needed to minimize the silicon oxynitride inclusions also, not just to prevent out-diffusion of nitrogen species.

Art Unit: 2812

3. The previous rejections of claims 1, 3-6 and 8-10, in paper 3, mailed 9-21-00, are also applied.

Response to Arguments

4. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

The applicant argues that the prior art, relied upon, does not disclose minimal or deleterious formation of impurity species related to out-diffusion of nitrogen species from adjacent silicon nitride layer. However, as stated above, the quotation from the specification, the oxidation step above 1100°C will prevent out-diffusion of the nitrogen species from the adjacent silicon nitride layer. Therefore, it would be inherent that the oxidation steps, which are above 1100°C, in the prior art, would create the same results.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ron E Pompey whose telephone number is (703) 305-3016. The examiner can normally be reached on 9-hour days.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Ron Pompey
Ron Pompey
Art Unit: 2812
September 30, 2001

John F. Niebling
John F. Niebling
Supervisory Patent Examiner
Technology Center 2800